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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/560,167	04/28/2000	Frank Fruth	1.068US	3697

7590 10/24/2003

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EXAMINER

POKRZYWA, JOSEPH R

ART UNIT	PAPER NUMBER
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2622

DATE MAILED: 10/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/560,167

Applicant(s)

FRUTH ET AL.

Examiner

Joseph R. Pokrzywa

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Information Disclosure Statement

1. The references listed in the Information Disclosure Statement submitted on 8/28/00 have been considered by the examiner (see attached PTO-1449).

Drawings

2. The drawings were received on 1/24/02. These drawings are acceptable.

Specification

3. The disclosure is objected to because of the following informalities:

On page 3, line 20, "dat" should read "data".

Appropriate correction is required.

Claim Objections

4. **Claims 1, 5, and 7-12** are objected to because of the following informalities:

In *claim 1*, line 11, and in *claim 7*, line 10, "to the local FTE" should read "to a local Facsimile Terminal Equipment (FTE)", so as to avoid any confusion with antecedent basis or over the meaning of "FTE", whereby "FTE" is defined on page 7 of the specification;

in *claims 5 and 11*, line 2 of both, the semicolon ";" should be replaced with a period ".";

in *claims 8-11*, line 1 of each, "apparatus" should be replaced with "device", in accordance with the preamble of claim 7; and

in **claim 12**, line 1, “method” should be replaced with “device”, in accordance with the preamble of claims 7 and 8.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. **Claims 1-12** are rejected under 35 U.S.C. 102(e) as being anticipated by Barber *et al.* (U.S. Patent Number 6,535,906).

Regarding **claim 1**, Barber discloses a method (seen in Figs. 3 and 4, being a method for the receiving gateway 24) for reducing facsimile page errors due to packet loss in facsimile transmission over a packet network (see abstract, and column 6, lines 32 through 48), comprising the steps of receiving facsimile image data packets from a packet network (see abstract, and

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column 3, lines 45 through 50), reassembling the received packets (see abstract, and column 3, lines 45 through 59, and column 4, lines 18 through 48), parsing the assembled packets into scan line data of the facsimile image (column 3, line 51 through column 4, line 48), evaluating the scan line data to detect the expected end of a scan line (being an “end of scan line indicator”, as read in column 4, lines 21 through 31) without packet loss (column 3, line 60 through column 5, line 65, wherein packet loss is detected when the buffer 32 is overfilled or underfilled with scan line data, based upon the data exceeding a preselected size range), playing out the scan line data to the local FTE if the scan line data has no packet loss (column 3, line 60 through column 4, line 31, column 4, line 49 through column 5, line 13, and column 5, lines 51 through 57, whereby the scan line data stored in the buffer is within the preselected range, and is transmitted to the receiving fax machine 14), and discarding the scan line data if the scan line data has packet loss (seen in Fig. 4, step 408, column 5, lines 13 through 50, whereby when fill bits are included in the received packet, the buffer 32 overflows, as the amount of stored data in the buffer 32 increases to a point that exceeds the maximum value when an “end of scan line indicator” is received).

Regarding *claim 2*, Barber discloses the method discussed above in claim 1, and further teaches of steps of replacing the discarded scan line data with zero fill data (column 5, lines 58 through 65), and playing out the zero fill data to the local FTE (column 5, line 58 through column 6, line 31).

Regarding *claim 3*, Barber discloses the method discussed above in claim 1, and further teaches of a step of replacing the discarded scan line data with scan line data defining a blank

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scan line (column 5, line 58 through column 6, line 31, wherein fill bits with a "0" value define a blank scan line).

Regarding *claim 4*, Barber discloses the method discussed above in claim 1, and further teaches of a step of replacing the discarded scan line data with a repetition of the previous scan line (column 5, line 58 through column 6, line 31).

Regarding *claim 5*, Barber discloses the method discussed above in claim 1, and further teaches of a step of buffering the scan line data (with scan line data being stored in buffer 32, column 3, line 45 through column 4, line 48).

Regarding *claim 6*, Barber discloses the method discussed above in claim 2, and further teaches of steps of continuing to provide zero fill data to the local FTE (step 412 in Fig. 4, column 5, line 58 through column 19), monitoring the scan line data for the start of the next detected scan line (column 4, line 18 through column 6, line 27), buffering the next detected scan line data (column 5, lines 58 through 65), evaluating the next detected scan line data to detect the expected end of a scan line without packet loss (column 3, line 60 through column 5, line 65), playing out the next detected scan line data to the local FTE if the scan line data has no packet loss (column 3, line 60 through column 4, line 31, column 4, line 49 through column 5, line 13, and column 5, lines 51 through 57, whereby the scan line data stored in the buffer is within the preselected range, and is transmitted to the receiving fax machine 14), and continuing to provide zero fill data to the local FTE if the scan line data has packet loss (column 5, line 51 through column 6, line 27).

Regarding *claim 7*, Barber discloses a device (receiving gateway 24) for reducing facsimile page errors due to packet loss in facsimile transmission over a packet network (see

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abstract, and column 6, lines 32 through 48), comprising a gateway (see Fig. 2) for receiving facsimile image data packets from a packet network (see abstract, and column 3, lines 45 through 50), a processor (see Fig. 2) for reassembling the received packets (see abstract, and column 3, lines 45 through 59, and column 4, lines 18 through 48), parsing the assembled packets into scan line data of the facsimile image (column 3, line 51 through column 4, line 48), evaluating the scan line data to detect the expected end of a scan line (being an “end of scan line indicator”, as read in column 4, lines 21 through 31) without packet loss (column 3, line 60 through column 5, line 65, wherein packet loss is detected when the buffer 32 is overfilled or underfilled with scan line data, based upon the data exceeding a preselected size range), playing out the scan line data to a local FTE if the scan line data has no packet loss (column 3, line 60 through column 4, line 31, column 4, line 49 through column 5, line 13, and column 5, lines 51 through 57, whereby the scan line data stored in the buffer is within the preselected range, and is transmitted to the receiving fax machine 14), and for discarding the scan line data if the scan line data has packet loss (seen in Fig. 4, step 408, column 5, lines 13 through 50, whereby when fill bits are included in the received packet, the buffer 32 overflows, as the amount of stored data in the buffer 32 increases to a point that exceeds the maximum value when an “end of scan line indicator” is received).

Regarding *claim 8*, Barber discloses the device discussed above in claim 7, and further teaches that the processor replaces the discarded scan line data with zero fill data (column 5, lines 58 through 65), and plays out the zero fill data to the local FTE (column 5, line 58 through column 6, line 31).

Regarding *claim 9*, Barber discloses the device discussed above in claim 7, and further teaches that the processor further replaces the discarded scan line data with scan line data defining a blank scan line (column 5, line 58 through column 6, line 31, wherein fill bits with a “0” value define a blank scan line).

Regarding *claim 10*, Barber discloses the device discussed above in claim 7, and further teaches that the processor further replaces the discarded scan line data with a repetition of the previous scan line (column 5, line 58 through column 6, line 31).

Regarding *claim 11*, Barber discloses the device discussed above in claim 7, and further teaches of a buffer for buffering the scan line data (with scan line data being stored in buffer 32, column 3, line 45 through column 4, line 48).

Regarding *claim 12*, Barber discloses the device discussed above in claim 8, and further teaches that the processor further continues to provide zero fill data to the local FTE (step 412 in Fig. 4, column 5, line 58 through column 19) while monitoring the scan line data for the start of the next detected scan line (column 4, line 18 through column 6, line 27), the buffer stores the next detected scan line data (column 5, lines 58 through 65), the processor evaluates the next detected scan line data to detect the expected end of a scan line without packet loss (column 3, line 60 through column 5, line 65), plays out the next detected scan line data to the local FTE if the scan line data has no packet loss (column 3, line 60 through column 4, line 31, column 4, line 49 through column 5, line 13, and column 5, lines 51 through 57, whereby the scan line data stored in the buffer is within the preselected range, and is transmitted to the receiving fax machine 14) or continues to provide zero fill data to the local FTE if the scan line data has packet loss (column 5, line 51 through column 6, line 27).

Citation of Pertinent Prior Art

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Joffe (U.S. Patent Number 6,559,980) discloses a system for communicating facsimile data in a packet switching network environment;

Schuster *et al.* (U.S. Patent Number 6,483,600) discloses a system for communicating a facsimile in real-time through a packet switched data network;

Scott (U.S. Patent Number 6,339,481) discloses a real-time facsimile transmission system over digital networks; and

Lin (U.S. Patent Number 5,546,388) discloses a packet-switched facsimile network.

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Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joe Pokrzywa whose telephone number is (703) 305-0146. The examiner can normally be reached on Monday-Friday, 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (703) 305-4712. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

Joseph R. Pokrzywa
Examiner
Art Unit 2622

jrj

A handwritten signature in cursive script that reads "Joseph R. Pokrzywa".